

# Guidance note Church bells and the law

# ChurchCare



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Bells are associated with churches of most traditions the whole world round, The tradition of bellringing in England is distinctive through the evolution of change ringing and the sound of bells in city and countryside is a long-standing and familiar part of the environment. They summon to worship; they ring out in celebration and in sadness. With increasing concern about noise pollution, there have been occasions when complaints about bellringing have been made

The purpose of this guidance note is to offer advice to incumbents, churchwardens, PCCs and bellringers about maintaining the campanological element in our way of life through sensible management. There is a brief outline of the law and custom which applies to the ringing of church bells. There are also some suggestions about dealing with complaints. In this way, bells can continue to be seen as an enrichment of the quality of our life.

## The Legal Background

### Ecclesiastical Law

Canon F8 of the Church of England states that every church shall be provided with at least one bell to ring the people to service”.

Control of the ringing of church bells belongs jointly to the incumbent and the churchwardens with the qualification that no bell should be rung contrary to the incumbent’s direction.

### Common Law

There does not appear to be any legal right as such to ring bells in the community. It seems to be a matter of custom.

The Common Law position is that the making of unreasonable noise is actionable as a nuisance. The question is whether the person’s use and enjoyment of his/her property is being interfered with. If it is shown that the answer to this question is ‘yes’, damages may be recoverable or an injunction gained in the Civil Courts. This course of action is unlikely

to succeed unless the bells are ringing incessantly or at times which would be regarded as unreasonable in the eyes of any prudent person. Short periods of bell ringing for public worship or weddings would not be actionable. More sustained periods at antisocial times might well be.

### The Environmental Protection Act 1990

Under s.79 of the 1990 Act, noise emitted from premises so as to be prejudicial to health or a nuisance, or interfering unduly with the comfort and convenience of neighbouring occupiers, could give rise to a prosecution in the Magistrate’s Court.

Each case involves questions of fact and degree; therefore evidence of noise levels is seen as relevant.





## Who can take action?

Any person whose enjoyment of their property is being affected by the noise of the bells can take legal action to prevent it. The proximity of the property to the church will undoubtedly be relevant here.

Someone who has recently moved into the area knowing there was a church nearby would probably not be looked on as favourably by the courts. That person may have to take action against the vendor of the property if they have misrepresented the amount of time the bells are ringing.

## General Advice

It is as unreasonable for an incumbent to claim a right to ring the bells whenever he or she pleases as it is for someone to seek to silence the bells. In each case, there appears to be a need to find an acceptable compromise and balance. It is important that the tower captain ensures that the bells are rung in a responsible manner and that visiting teams do likewise.

## Playing Recorded Bellringing

The advice in this guidance note applies equally to the playing of recorded bellringing through amplification systems in the tower or elsewhere.

## How to avoid a complaint about your bells

1. Ring regularly at known times for practice nights and services. NB. Regular ringing does not have to mean frequent ringing. Do not deviate from these times, add extra sessions or miss planned sessions. Do not start or finish early or late. Publicise all ringing widely.

2. Fix a pattern for additional ringing for weddings, visitors, meetings, quarters and peals. Ensure visiting ringers adhere to local constraints.

3. Consider your neighbours:

- in hot weather when windows are more likely to be open;
- when they are using their gardens;
- during special events in a nearby venue.

4. Publicise special ringing events:

- in local newspapers;
- in the parish magazine;
- on the church notice board and
- in handbills to local houses.

5. Maintain good striking. The public can always tell the difference between good and bad striking. Use tied bells or simulators for practice.

6. Hold open days. Make people aware of ringing and ringers.

7. Be reasonable. The law requires it.

## Dealing with a complaint about your bells

When a complaint is made

1. Respond courteously and promptly.

- Be reasonable. Aim to reach an amicable solution at the outset. If necessary, be prepared to modify your ringing pattern to reach a compromise.
- Discuss the problem with the complainant face to face if possible. Invite him or her to watch the ringing and meet the ringers.
- Explain why and when the bells are usually rung and for how long.
- Clergy, wardens and ringers must work together.
- One person should be appointed spokesperson to avoid confusion.
- Take the Environmental Health Officer seriously.

2. Keep a written record of complaints and any action taken.

3. Seek experienced help.

## Talking to the press

If the press tries to make contact, don't be interviewed whilst you are unprepared but be courteous and promise to ring back promptly. Advice will be available from your DAC Secretary or the Diocesan Communications Officer. Prepare what you are going to say carefully. Decide on three key points you wish to make and put them across briefly and clearly.

Further help is available from your Diocesan Office and from The Central Council of Church Bell Ringers [[www.cccbr.org.uk](http://www.cccbr.org.uk)].

This guidance note is an abridged version of a note produced by Bristol Diocese. September 2001

